

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV476-MU**

JOYCE E. PATTERSON, as Administratrix)
of the Estate of **YOLANDA EVETT**)
PATTERSON HEMPHILL,)

Plaintiff,)

vs.)

D WHITLOCK, individually,)
and in his official capacity as a City of Gastonia)
Police Officer, **TERRY SULT**, individually, and in)
his official capacity as The Chief of Police for the)
City of Gastonia Police Department, **THE CITY**)
OF GASTONIA, a municipal corporation,)
GASTON COUNTY, a governmental entity,)
ALAN CLONINGER, individually and in his)
official capacity as the Sheriff of Gaston County)
Sheriff Department, **JAN WINTERS**, individually)
and in his official capacity as the County manager)
for Gaston County, **JENNIFER STULTZ**,)
individually and in her official capacity as Mayor)
for the City of Gastonia, North Carolina,)

Defendants.)

ORDER APPROVING
WRONGFUL DEATH
SETTLEMENT AND DISMISSAL
OF DEFENDANTS GASTON
COUNTY, ALAN CLONINGER
AND JAN WINTERS

THIS CAUSE COMING ON TO BE HEARD, and being heard before the Honorable Graham C. Mullen, United States District Court Judge, presiding on the date set forth herein below, on the Court's own Motion to Approve by and between Joyce Patterson, Administratrix of the Estate of Yolanda Evett Patterson Hemphill, who has been duly appointed as the Administratrix of the Estate of Yolanda Evett Patterson Hemphill; and Gaston County, Alan Cloninger and Jan Winters who are some of the Defendants in this matter.

AND IT APPEARING that the Plaintiff has made a claim to recover damages for the wrongful death of her daughter, Yolanda Evett Patterson Hemphill, in accordance with the provision of North Carolina General Statute §28A-13-3(a)(23) and North Carolina General Statute §28A-18-2; such wrongful death allegations being more particularly set forth in the complaint filed in this action; and

IT APPEARS TO THE COURT that the decedent was intestate with three known heirs, all of whom are minors, to wit: Jaquan D. Carter,
Seven T. James, and
India L. Patterson Hemphill ;

IT FURTHER APPEARING that this is a disputed claim, and that although liability has been denied by these settling Defendants, Gaston County, Alan Cloninger, and Jan Winters, nevertheless, following a judicial settlement conference attended by counsel and representatives of all parties and which was held on May 30, 2012 with Magistrate Judge David Kessler, representatives of Defendants Gaston County, Alan Cloninger and Jan Winters have offered to pay a sum which is more particularly set forth in the Release and Settlement Agreement, which this Court has reviewed and does approve and from which sum costs, liens including any Medicare, Medicaid and workers' compensation liens and other expenses will be paid or compromised, and it further appearing that said sums will be in full settlement, satisfaction, release and compromise of all matters and things in controversy as a result of the death of Yolanda Evett Patterson Hemphill as to Defendants Gaston County, Alan Cloninger, and Jan Winters;

IT FURTHER APPEARING TO THE COURT that the Administratrix of the Estate of Yolanda Evett Patterson Hemphill has agreed and decided to accept such proposed settlement

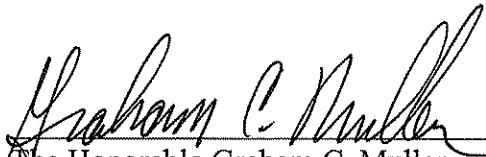
amount in full settlement, compromise and release and satisfaction of such claims for the wrongful death of Yolanda Evett Patterson Hemphill against Defendants Gaston County, Alan Cloninger, and Jan Winters, and she has submitted and proposed such settlement to this court for its consideration and its consent and approval in order that such settlement may be valid and binding for all purpose and according to the law; and

THIS COURT having made due inquiry into the facts and circumstances relating to the death of the decedent, and having ascertained that the Administratrix of the Estate of Yolanda Evett Patterson Hemphill understands that such settlement is final as to the released Defendants Gaston County, Alan Cloninger and Jan Winters and has approved and does hereby approve the same;

WHEREFORE, this Court find as fact and orders that the above mentioned settlement is fair and just and for the best interest of the Estate of Yolanda Evett Patterson Hemphill and the Court does hereby approve the same and the Court further finds that the Administratrix understands and does consent to paying or compromising all liens, including any Medicare or Medicaid liens, from the settlement funds received through this settlement.

IT IS HEREBY FURTHER ORDERED that Gaston County, Alan Cloninger, and Jan Winters are hereby dismissed with prejudice from this lawsuit.

SO ORDERED, this the 11th day of September, 2012


The Honorable Graham C. Mullen
United States District Court Judge